

§ 260.50 Suspension or revocation of license of licensed sampler or licensed inspector.

Pending final action by the Secretary, the Director may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 7 day period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 260.51 Surrender of license.

Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

SAMPLING

§ 260.57 How samples are drawn by inspectors or licensed samplers.

An inspector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Secretary, select sample units of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure a representative sample of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 260.58 Accessibility for sampling.

Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 260.59 How officially drawn samples are to be identified.

Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 260.60 How samples are to be shipped.

Unless otherwise directed by the Secretary, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid, if possible, any material change in the quality or condition of the sample of the processed product. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant and wherever practicable, such charges shall be prepaid by him.

§ 260.61 Sampling plans and procedures for determining lot compliance.

(a) Except as otherwise provided for in this section in connection with in-plant inspection and unless otherwise approved by the Secretary, samples shall be selected from each lot in the exact number of sample units indicated for the lot size in the applicable single sampling plan or, at the discretion of the inspection service, any comparable multiple sampling plan: *Provided*, That at the discretion of the inspection service the number of sample units selected may be increased to the exact number of sample units indicated for any one of the larger sample sizes provided for in the appropriate plans.

(b) Under the single sampling plans with respect to any specified requirement:

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(1) If the number of deviants (as defined in connection with the specific requirements) in the sample does not exceed the acceptance number prescribed for the sample size the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the sample exceeds the acceptance number prescribed for the sample size the lot fails the requirement.

(c) Under the multiple sampling plans inspection commences with the smallest sample size indicated under the appropriate plan and with respect to any specified requirement:

(1) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered does not exceed the acceptance number prescribed for that sample size the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered equals or exceeds the rejection number prescribed for that sample size the lot fails the requirement; or

(3) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered falls between the acceptance and rejection numbers of the plan, additional sample units are added to the sample so that the sample thus cumulated equals the next larger cumulative sample size in the plan. It may then be determined that the lot meets or fails the specific requirement by considering the cumulative sample and applying the procedures outlined in paragraphs (c)(1) and (2) of this section or by considering successively larger samples cumulated in the same manner until the lot meets or fails the specific requirement.

(d) If in the conduct of any type of in-plant inspection the sample is exam-

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ined before the lot size is known and the number of sample units exceeds the prescribed sample size for such lot but does not equal any of the prescribed larger sample sizes the lot may be deemed to meet or fail a specific requirement in accordance with the following procedure:

(1) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample does not exceed the acceptance number of the next smaller sample size the lot meets the requirements;

(2) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample equals the acceptance number prescribed for the next larger sample size additional sample units shall be selected to increase the sample to the next larger prescribed sample size;

(3) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample exceeds the acceptance number prescribed for the next larger sample size the lot fails the requirement.

(e) In the event that the lot compliance determination provisions of a standard or specification are based on the number of specified deviations instead of deviants the procedures set forth in this section may be applied by substituting the word "deviation" for the word "deviant" wherever it appears.

(f) Sampling plans referred to in this section are those contained in Tables I, II, III, IV, V, and VI which follow or any other plans which are applicable. For processed products not included in these tables, the minimum sample size shall be the exact number of sample units prescribed in the table, container group, and lot size that, as determined by the inspector, most closely resembles the product, type, container size and amount of product to be samples.

SINGLE SAMPLING PLANS AND ACCEPTANCE LEVELS
TABLE I—CANNED OR SIMILARLY PROCESSED FISHERY PRODUCTS, AND PRODUCTS THEREOF CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS
TO BE READILY SEPARABLE

Container size group	Lot size (number of containers)				
	1	2	3	4	5
GROUP 1 Any type of container of less volume than that of a No. 300 size can (300×407)	3,601–14,400	14,401–48,000	48,001–96,000	96,001–156,000	156,001–228,000
GROUP 2 Any type of container of a volume equal to or exceeding that of a No. 300 size can, but not exceeding that of a No. 3 cylinder size can (404×700)	2,401–12,000	12,001–24,000	24,001–48,000	48,001–72,000	72,001–108,000
GROUP 3 Any type of container of a volume exceeding that of a No. 3 cylinder size can, but not exceeding that of a No. 12 size can (603×812)	1,201–7,200	7,201–15,000	15,001–24,000	24,001–36,000	36,001–60,000
GROUP 4 Any type of container of a volume exceeding that of a No. 12 size can, but not exceeding that of a 5-gallon container	200 or less	201–800	801–1,600	1,601–2,400	2,401–3,600
GROUP 5 Any type of container of a volume exceeding that of a 5-gallon container	25 or less	26–80	81–200	201–400	401–800
					801–1,200
					1,201–2,000
					2,001–3,200
					Over 3,200

SINGLE SAMPLING PLANS¹

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Sample size (number of sample units) ²	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7

¹ For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

² The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. Groups 4 and 5—approximately 2 pounds of product. When determined by the inspector that a 2-pound sample unit is inadequate, a larger sample unit may be substituted.

TABLE II—FROZEN OR SIMILARLY PROCESSED FISHERY PRODUCTS, AND PRODUCTS THEREOF CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

Container size group	Lot size (number of containers)								
	1	2	3	4	5	6	7	8	9
GROUP 1									
Any type of container of 1 pound or less net weight	2,401–12,000	12,001–24,000	24,001–48,000	48,001–72,000	72,001–108,000	108,001–168,000	168,001–240,000	Over 240,000	
GROUP 2									
Any type of container over 1 pound but not over 4 pounds net weight	1,801–8,400	8,401–18,000	18,001–36,000	36,001–60,000	60,001–96,000	96,001–132,000	132,001–168,000	Over 168,000	
GROUP 3									
Any type of container over 4 pounds but not over 10 pounds net weight	901–3,600	3,601–10,800	10,801–18,000	18,001–36,000	36,001–60,000	60,001–84,000	84,001–120,000	Over 120,000	
GROUP 4									
Any type of container over 10 pounds but not over 100 pounds net weight	201–800	801–1,600	1,601–2,400	2,401–3,600	3,601–8,000	8,001–16,000	16,001–28,000	Over 28,000	
GROUP 5									
Any type of container over 100 pounds net weight	25 or less	26–80	81–200	201–400	401–800	801–1,200	1,201–2,000	2,001–3,200	Over 3,200

Single sampling plans.¹

Sample size (number of sample units) ²	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

¹ For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

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2 The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. Groups 4 and 5—approximately 3 pounds of product. When determined by the inspector that a 3-pound sample unit is inadequate, a larger sample unit or 1 or more containers and their entire contents may be substituted for 1 or more sample units of 3 pounds.

TABLE III—CANNED, FROZEN, OR OTHERWISE PROCESSED FISHERY AND RELATED PRODUCTS, AND PRODUCTS THEREOF OF A COMMINUTED, FLUID, OR HOMOGENEOUS STATE

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3. The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container; Groups 4, 5, and 6—approximately 16 containers; Groups 7, 8, and 9—approximately 32 containers; Groups 10, 11, and 12—approximately 64 containers; Group 13—approximately 128 containers; Group 14—approximately 256 containers; Group 15—approximately 512 containers; Group 16—approximately 1,024 containers; Group 17—approximately 2,048 containers; Group 18—approximately 4,096 containers; Group 19—approximately 8,192 containers; Group 20—approximately 16,384 containers; Group 21—approximately 32,768 containers; Group 22—approximately 65,536 containers; Group 23—approximately 131,072 containers; Group 24—approximately 262,144 containers; Group 25—approximately 524,288 containers; Group 26—approximately 1,048,576 containers; Group 27—approximately 2,096,152 containers; Group 28—approximately 4,192,304 containers; Group 29—approximately 8,384,608 containers; Group 30—approximately 16,769,216 containers; Group 31—approximately 33,538,432 containers; Group 32—approximately 67,076,864 containers; Group 33—approximately 134,153,728 containers; Group 34—approximately 268,307,456 containers; Group 35—approximately 536,614,912 containers; Group 36—approximately 1,073,229,824 containers; Group 37—approximately 2,146,459,648 containers; Group 38—approximately 4,292,919,296 containers; Group 39—approximately 8,585,838,592 containers; Group 40—approximately 17,171,677,184 containers; Group 41—approximately 34,343,354,368 containers; Group 42—approximately 68,686,708,736 containers; Group 43—approximately 137,373,417,472 containers; Group 44—approximately 274,746,834,944 containers; Group 45—approximately 549,493,669,888 containers; Group 46—approximately 1,098,987,339,776 containers; Group 47—approximately 2,197,974,679,552 containers; Group 48—approximately 4,395,949,359,104 containers; Group 49—approximately 8,791,898,718,208 containers; Group 50—approximately 17,583,797,436,416 containers; Group 51—approximately 35,167,594,872,832 containers; Group 52—approximately 70,335,189,745,664 containers; Group 53—approximately 140,670,379,491,328 containers; Group 54—approximately 281,340,758,982,656 containers; Group 55—approximately 562,681,517,965,312 containers; Group 56—approximately 1,125,363,035,930,624 containers; Group 57—approximately 2,250,726,071,861,248 containers; Group 58—approximately 4,501,452,143,722,496 containers; Group 59—approximately 9,002,904,287,444,992 containers; Group 60—approximately 18,005,808,574,889,984 containers; Group 61—approximately 36,011,617,149,779,968 containers; Group 62—approximately 72,023,234,299,559,936 containers; Group 63—approximately 144,046,468,598,119,872 containers; Group 64—approximately 288,092,937,196,239,744 containers; Group 65—approximately 576,185,874,392,479,488 containers; Group 66—approximately 1,152,371,748,784,958,976 containers; Group 67—approximately 2,304,743,497,569,917,952 containers; Group 68—approximately 4,609,486,995,139,835,904 containers; Group 69—approximately 9,218,973,985,279,671,808 containers; Group 70—approximately 18,437,947,970,559,343,616 containers; Group 71—approximately 36,875,895,941,118,687,232 containers; Group 72—approximately 73,751,791,882,237,374,464 containers; Group 73—approximately 147,503,583,764,474,748,928 containers; Group 74—approximately 295,007,167,528,949,497,856 containers; Group 75—approximately 590,014,335,057,898,995,712 containers; Group 76—approximately 1,180,028,670,115,797,991,424 containers; Group 77—approximately 2,360,057,340,231,595,982,848 containers; Group 78—approximately 4,720,114,680,463,191,965,696 containers; Group 79—approximately 9,440,229,360,926,383,931,392 containers; Group 80—approximately 18,880,458,721,852,767,862,784 containers; Group 81—approximately 37,760,917,443,705,535,725,568 containers; Group 82—approximately 75,521,834,887,411,071,451,136 containers; Group 83—approximately 151,043,669,774,822,142,902,272 containers; Group 84—approximately 302,087,339,549,644,284,804,544 containers; Group 85—approximately 604,174,679,099,288,569,608,588 containers; Group 86—approximately 1,208,349,358,198,577,139,217,176 containers; Group 87—approximately 2,416,698,716,397,154,278,434,352 containers; Group 88—approximately 4,833,397,432,794,308,556,868,704 containers; Group 89—approximately 9,666,794,865,588,617,113,737,408 containers; Group 90—approximately 19,333,589,731,177,234,227,474,816 containers; Group 91—approximately 38,667,179,462,354,468,454,949,632 containers; Group 92—approximately 77,334,358,924,708,936,909,899,264 containers; Group 93—approximately 154,668,717,849,417,873,819,798,528 containers; Group 94—approximately 309,337,435,698,835,747,639,597,056 containers; Group 95—approximately 618,674,871,397,671,495,278,194,112 containers; Group 96—approximately 1,237,349,742,795,342,990,556,388,224 containers; Group 97—approximately 2,474,699,485,590,685,981,113,776,448 containers; Group 98—approximately 4,949,398,971,181,371,962,227,552,896 containers; Group 99—approximately 9,898,797,942,362,743,924,454,105,792 containers; Group 100—approximately 19,797,595,884,725,487,848,908,211,584 containers.

TABLE IV—DEHYDRATED FISHERY AND RELATED PRODUCTS

Container size group	Lot size (number of containers)					
GROUP 1 Any type of container of 1 pound or less net weight	1,801 or less 1,801–8,400	8,401–18,000 18,001–36,000	36,001–60,000 60,001–96,000	96,001–132,000 132,001–168,000	132,001–168,000 Over 168,000	
GROUP 2 Any type of container over 1 pound but not over 6 pounds net weight	901–3,600 900 or less	3,601–10,800 10,801–18,000	18,001–36,000 36,001–60,000	60,001–84,000 84,001–120,000	84,001–120,000 Over 120,000	
GROUP 3 Any type of container over 6 pounds but not over 20 pounds net weight	201–800 200 or less	801–1,600 1,601–3,200	3,201–8,000 8,001–16,000	16,001–24,000 24,001–32,000	24,001–32,000 Over 32,000	
GROUP 4 Any type of container over 20 pounds but not over 100 pounds net weight ..	49–400 48 or less	401–1,200 1,201–2,000	2,001–2,800 2,801–6,000	6,001–9,600 9,601–15,000	9,601–15,000 Over 15,000	
GROUP 5 Any type of container over 100 pounds net weight	16 or less 17–80	81–200 201–400	401–800 801–1,200	1,201–2,000 2,001–3,200	2,001–3,200 Over 3,200	
				Single sampling plans ¹		
Sample size (number of sample units) ² ...	3 0	6 1	13 2	21 3	29 4	38 5
Acceptance number ...					48 6	60 7
						72 8

¹For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

²The sample units for the various container size groups are as follows: Group 1—1 container and its entire contents; Groups 2, 3, 4, and 5—1 container and its entire contents or a smaller sample unit when determined by the inspector to be adequate.

TABLE V—SINGLE SAMPLING PLANS FOR USE IN INCREASING SAMPLE SIZE BEYOND 72 SAMPLE UNITS

Sample size, <i>n</i>	84	96	108	120	132	144	156	168	180	192	204	216	230	244	258	272	286	300	314	328	342	356	370	384	400
Acceptance numbers, <i>c</i>	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33

TABLE VI—MULTIPLE SAMPLING PLANS COMPARABLE TO THE INDICATED SINGLE SAMPLING PLANS

Indicated single sampling plan:													
Single sample size, n		6			13			21			29		
Acceptance numbers, c		1			2			3			4		
Cumulative sample sizes, n_c , and acceptance numbers, c , and rejection numbers, r , for multiple sampling.		n_c	c	r									
4	0	2	8	0	3	10	0	3	12	0	4	14	0
6	0	2	10	0	3	14	1	4	16	0	4	20	0
8	1	2	12	1	3	18	1	4	20	1	5	26	1
											6	32	2
											6	38	2
											7	42	2
											7	42	2
											8	52	3
											8	52	3
											9	62	5
											9	72	6
											9	72	6
											9	82	9

¹ These multiple sampling plans may be used in lieu of the single sampling plans listed at the heading of each column.